

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 19, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 395, SB 396, SB 397, SB 472, SB 453, 2/6/2001

Executive Action:

HEARING ON SB 395, SB 396, SB 397

Sponsor: SEN. LORENTS GROSFIELD, SD 13, Big Timber

Proponents: John Bloomquist, Montana Stock Growers
John Youngberg, Montana Farm Bureau
Tammy Johnson, League of Rural Voters
Cary Hegreberg, Wood Products Association
Frank Crowley, Asarco

Jean Johnson, Montana Guide and Outfitters
Mark Taylor, Montana Alternative Livestock Producers
Eric Feaver, MEA-MFT
Don Judge, Montana AFL-CIO
Bob Spokey, representing himself

Opponents: **Stan Frasier, Montana Sportsmen I-143**
Jim Jensen, Montana Environmental Information Center
Jonathon Motl, attorney
Doug Mitchell, Montana Conservation Voters Educational Fund
Matthew Leow, MONT PIRG
Jeff Barber, Montana Wildlife Federation
Mark Mackin, Direct Democracy
Jack Gunderson, representing himself
Verner Bertelsen, Montana Senior Citizens Association

Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, Big Timber told the committee that these bills were all similar, but they affect different things. They all change the distribution of signatures that must be gathered by petitioners in order to get something on the ballot. He said that presently, those requirements were for 1/3 of the legislative districts. **SEN. GROSFIELD** said these bill change from 1/3 of the legislative districts to 1/2 of the counties. He went on to explain that SB 395 dealt with referendums, SB 396 referred to constitutional amendments, and SB 397 referred to statutory initiatives. **SEN. GROSFIELD** said many people had become increasingly concerned about problems in the initiative process, including the urban domination in the signature gathering process. He said these bills would attempt to reach more rural areas, which would involve more Montanans in the process.

Proponents' Testimony:

John Bloomquist, Montana Stock Growers, told the committee these bills would encourage participation in the initiative and referendum process. These bills would put more inclusiveness in the framework.

John Youngberg, Montana Farm Bureau, said the majority of Montanans lived outside the larger metropolitan areas. He told the committee that many activities that the initiatives affected would affect the people in rural areas and they don't even get to hear about the issues.

Tammy Johnson, League of Rural Voters, EXHIBIT(sts41a01) said Montanans needed to be allowed access to the citizen-lawmaking process.

Cary Hegreberg, Wood Products Association, supported these bills.

Frank Crowley, Asarco, supported these bills because Asarco almost lost a \$40 million investment due to Initiative I-122. He pointed out the effects to urban voters from initiatives. **Frank Crowley** said it was easy to get an initiative on the ballot.

Jean Johnson, Montana Guide and Outfitters, said you could not feel the force of an initiative process until the results were shown by those that you work for and care for.

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Mark Taylor, Montana Alternative Livestock Producers, supported these bills.

Eric Feaver, MEA-MFT, urged passage of these bills.

Don Judge, Montana AFL-CIO, told the committee he opposed SB 395, but supported SB 396 and SB 397.

Bob Spokey, representing himself, urged passage of these bills.

Opponents' Testimony:

Stan Frasier, Montana Sportsmen I-143, told the committee these bills would make it almost impossible for citizens to participate in the initiative process. He added that in order to get enough signatures, you had to go where the people were.

Jim Jensen, Montana Environmental Information Center, said these bills expressed legislative arrogance.

Jonathon Motl, attorney, said these bills were not about voting, but dealt with the process by which individuals could submit to the initiatives for voting. He added that a referendum petition means that all signatures must be gathered within six months of the date of when the legislature convenes.

Doug Mitchell, Montana Conservation Voters Education Fund, stated that the system worked, so he did not want it changed.

Matthew Leow, MONT PIRG, EXHIBIT(sts41a02) stated that these bills would create further strain on the initiative process.

Jeff Barber, Montana Wildlife Federation, said these bills would involve different voters instead of more Montanans. He, therefore, urged the committee to table these bills.

Mark Mackin, Direct Democracy, stated that the purpose of initiatives were not to inform all voters on all issues, but rather, to test the question of whether the issue was important enough to be placed on the ballot. He opposed these bills because of the increase in difficulty they would create.

Jack Gunderson, representing himself, said that the present process in place was easier, so he would like it to remain.

Verner Bertelsen stated that the present system worked, so don't change it.

Questions from Committee Members and Responses:

SEN. BOHLINGER asked **Doug Mitchell** to review statistics concerning the present system. **Doug Mitchell EXHIBIT(sts41a03)** explained the present system.

SEN. ELLIOTT asked **SEN. GROSFIELD** what the proportion of rural vs. urban areas was in 1800. **SEN. GROSFIELD** said he could not give a number, but the state had urbanized dramatically during that time.

SEN. ELLIOTT asked **SEN. GROSFIELD** why that language was put in back then when there were more people living in rural areas. **SEN. GROSFIELD** answered he had found that information while reviewing the constitutional transcript.

SEN. ELLIOTT asked **SEN. GROSFIELD** if in some counties where it would take a small amount of signatures, would that steer the process in the other direction. **SEN. GROSFIELD** answered that it would not.

SEN. TOOLE asked **SEN. GROSFIELD** if he had the same urban/rural split concern in representation in the legislature. **SEN. GROSFIELD** answered said that referred to the one man/one vote issue. He added that these bills referred to how you set the agenda and who would you go to.

SEN. TOOLE told **SEN. GROSFIELD** that he felt there would be many unintended consequences in representation in the political arena. **SEN. GROSFIELD** replied that these bills were based on counties. He added that half of Montana could be considered rural.

SEN. TOOLE asked **Frank Crowley** how easy it was to qualify the ballot issues. **Mr. Crowley** said he did not mean the process was easy, but that the number of people required for signatures was simple, being numerically small.

Closing by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, Big Timber closed SB 395, SB 396, and SB 397. **EXHIBIT(sts41a04)** **SEN. GROSFIELD** explained the number of initiative measures showing how the agenda was changing without the input of the rural community. He reiterated that these bills were about participation in setting agenda.

HEARING ON SB 472

Sponsor: **SEN. LORENTS GROSFIELD, SD 13, Big Timber**

Proponents: **Eric Feaver, MEA-MFT**

Bob Spokey, representing himself

Frank Crowley, Asarco

Mark Taylor, Montana Alternative Livestock Producers

Cary Hegreberg, Montana Wood Products Assoc.

Jean Johnson, Montana Outfitters

Tammy Johnson, League of Rural Voters

Don Allen, representing WETA

Don Judge, Montana AFL-CIO

Opponents: **Stan Frasier, Sportsmen for I-143**

Jim Jensen, Montana Environmental Information Center

Jonathon Motl, attorney

Mark Mackin, Direct Democracy

Matthew Leow, MONT PIRG

Jeff Barber, Montana Wildlife Federation

Verner Bertelsen, Montana Senior Citizens

Carol Mackin, representing herself

Mike Fellows, Montana Libertarian Party

Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, Big Timber, told the committee this bill dealt with details in the initiative process. This bill was based on HB 636. **SEN. GROSFIELD** said there was concern about being able to put anything in initiative because the accuracy was not checked. He said they were dealing with legal documents having the aura of approval by the state. **SEN. GROSFIELD** said this bill would allow more time for public

hearings. He said this bill would: (1) raise the limit from 100 words to 250 words, (2) increase the amount of time allowed to prepare a document, (3) require that before the document could be approved, it would have to have 50 signatures instead of one, and (4) would make sure there were enough people interested in the proposal before spending taxpayer money on it.

Proponents' Testimony:

Eric Feaver, MEA-MFT, said it was presently too easy to qualify for a ballot without accountability proving the information was correct, then if the courts decided the issue had a constitutional defect, the public would be mad. He added that public scrutiny, debate, and knowledge of ballot issues must begin before a petition would qualify.

Bob Spokey, representing himself, told the committee that the initiative process strongly affected his family. He said the present process had outgrown what it was intended to do. **Bob Spokey** requested an amendment saying that you could not collect signatures within 200 feet of polling booths. He stated he wanted more counties involved in the process because rural ranchers pay more in property taxes and, therefore, should be included. **EXHIBIT(sts41a05)** He presented the committee with a magazine article which threatened representatives. **Mr. Spokey** said that it was not fair for Missoula to be able to direct people in eastern Montana on what they should do. He strongly urged support for this bill.

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Frank Crowley, Asarco, said this was a quality control bill and he supported it.

Mark Taylor, Montana Alternative Livestock Producers, EXHIBIT(sts41a06) told the committee this bill provided several common sense protections to help preserve the will of the people.

Cary Hegreberg, Montana Wood Products Association, stated this bill would rectify the process.

Jean Johnson, Montana Outfitters, urged support for this bill.

Tammy Johnson, League of Rural Voters said she supported this bill.

Don Allen, WETA, said this bill would bring integrity and accountability to the process.

Don Judge, Montana AFL-CIO, supported this bill. He told the committee that he felt it would be too expensive to notarize the sheets as mentioned on page 8, line 25. He also wanted the removal of the part requiring verification of the resident. On page 16, line 23, he wondered how you would determine what was legally or factually untrue.

Opponents' Testimony:

Stan Frazier, Sportsmen for I-143, said he did not hire people out of state to gather signatures, with the people mostly being local volunteers. He added this process was not easy.

Jim Jensen, Montana Environmental Information Center, opposed this bill.

Jonathon Motl, attorney, stated that this bill was flawed and would take power away from people. He said the constitutionality would be challenged afterwards.

Mark Mackin, Direct Democracy, said that people had the same power as the legislature in introducing any bill they choose, regardless of the content. He said this will would incorporate bad ideas and was unnecessary.

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Matthew Leow, MONT PIRG, said the improving the initiative process did not mean making it more difficult. He added that this would curtail the initiative process and urged the committee to table the bill.

Jeff Barber, Montana Wildlife Federation, told the committee this bill was unnecessary and had too many unintended consequences. He recommended that the bill be tabled.

Verner Bertelsen, Montana Senior Citizens, commented that he was concerned about how the votes were determined.

Carol Mackin, representing herself, said only part of the bill was constitutional.

Mike Fellows, Libertarian Party, EXHIBIT (sts41a07) opposed the bill.

Questions from Committee Members and Responses:

SEN. ELLIOTT asked **SEN. GROSFIELD** how to know for sure if an issue was constitutional without a supreme court opinion. **SEN. GROSFIELD**

said that was not known until you get a supreme court opinion, but that the opinion required on the bill was an advisory opinion.

SEN. ELLIOTT asked **SEN. GROSFIELD** how to determine the truthful information when opinions differ and people were entitled to freedom of speech. **SEN. GROSFIELD** answered that this bill referred to information which was blatantly false, not opinions.

SEN. ELLIOTT asked **SEN. GROSFIELD** why there should be a higher standard imposed on the electorate in terms of the initiative process than there was on the legislature. **SEN. GROSFIELD** replied that this bill did not refer to what the proposal was, but rather, the language that appeared on the petition and that the person needed to be truthful and honest.

Closing by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, closed SB 472 by telling the committee that this was a fairness issue to impose integrity in the process.

HEARING ON SB 453

Sponsor: **SEN. DON HARGROVE, SD 16, Belgrade**

Proponents: John Bloomquist, Montana Stock Growers
 Tammy Johnson, League of Rural Voters
 Frank Crowley, Asarco
 Jean Johnson, Montana Outfitters and Guides

Opponents: Jonathon Motl, attorney
 Stan Frasier, Sportsmen for I-143
 Don Judge, Montana AFL-CIO
 Matthew Leow, MONT PIRG
 Jeff Barber, Montana Wildlife Federation
 Mark Mackin, Direct Democracy

Opening Statement by Sponsor:

SEN. DON HARGROVE, SD 16, Belgrade, said people had to have faith in their constitution. He state that initiatives were very important to people. **SEN. HARGROVE** added that legislative districts didn't have much meaning to most people because the people identify more with counties, and all counties should be included. This bill would enable more counties to become involved in initiative issues.

Proponents' Testimony:

John Bloomquist, Montana Stock Growers, told the committee this bill would include each county in the initiative process.

Tammy Johnson, League of Rural Voters, stated this included every county in the constitutional initiative process.

Frank Crowley, Asarco, supported the inclusion of all counties in the process.

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Jean Johnson, Montana Outfitter and Guides, stated this bill would guarantee equal representation which she supported.

Opponents' Testimony:

Jonathon Motl, attorney, opposed this bill.

Stan Frasier, Sportsmen for I-143, said Montana was a large state and this bill would impose a standard which would make it more difficult for people to get initiatives on the ballot.

Don Judge, Montana AFL-CIO, urged the committee to kill this bill.

Matthew Leow, MONT PIRG, stated this bill would create an undo burden upon people gathering signatures.

Jeff Barber, Montana Wildlife Federation, opposed this bill.

Mark Mackin, Direct Democracy, told the committee this bill would put the signature gathering and the organizational requirements to the point of having to have a permanent organization.

Questions from Committee Members and Responses: None

Closing by Sponsor:

SEN. DON HARGROVE, SD 16, closed SB 453 by reminding the committee that no county should be left out.

ADJOURNMENT

Adjournment: 12:20 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts41aad)